

House File 596 - Introduced

HOUSE FILE 596
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 102)

A BILL FOR

1 An Act relating to county commissions of veteran affairs.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 35B.4, Code 2013, is amended to read as
2 follows:

3 **35B.4 Appointment — vacancies.**

4 1. Members of the commission of veteran affairs shall
5 be appointed by the board of supervisors, as recommended by
6 the current commission members and the executive director
7 or administrator, to staggered three-year terms at the
8 regular meeting in June. However, a member shall serve until
9 a successor has been appointed and qualifies. The board
10 may remove an appointee at any time for neglect of duty or
11 maladministration. A vacancy on the commission shall be filled
12 for the unexpired portion of the regular term in the same
13 manner as regular appointments are made.

14 2. If the board of supervisors increases the commission
15 of veteran affairs membership to five members, the initial
16 terms of the two new members shall be two and three years
17 respectively. However, the new members shall serve until their
18 successors are appointed and qualify.

19 Sec. 2. Section 35B.6, subsection 1, paragraphs a and c,
20 Code 2013, are amended to read as follows:

21 a. The members of the commission shall qualify by taking the
22 usual oath of office, ~~and give bond in the sum of five hundred~~
23 ~~dollars each, conditioned for the faithful discharge of their~~
24 ~~duties with sureties to be approved by the county auditor.~~ The
25 commission shall organize by the selection of one of their
26 members as chairperson and one as secretary. The commission,
27 subject to the approval of the board of supervisors, shall
28 employ an executive director or administrator and who shall
29 have the power to employ other necessary employees ~~when~~
30 ~~needed~~ to carry out the provisions of this chapter, including
31 administrative or clerical assistants, but no member of the
32 commission shall be so employed. ~~The compensation of such~~
33 ~~employees shall be fixed by the board of supervisors.~~
34 The state department of veterans affairs shall recognize the
35 executive director or administrator as a county veterans

1 service officer of a veterans' service organization recognized
 2 pursuant to 38 C.F.R. § 14.628(c) for the purposes of assisting
 3 veterans and their dependents in obtaining federal benefits.
 4 The commission shall recommend the annual compensation of
 5 the executive director or administrator to the board of
 6 supervisors. The board of supervisors shall consider the
 7 recommendation and shall determine and approve the annual
 8 compensation of the executive director or administrator. The
 9 executive director must possess the same qualifications as
 10 provided in section 35B.3 for commission members. However,
 11 this qualification requirement shall not apply to a person
 12 employed as an executive director prior to July 1, 1989.

13 c. Upon the employment of an executive director or
 14 administrator, the executive director or administrator shall
 15 complete a course of certification training provided by the
 16 department of veterans affairs pursuant to section 35A.5.
 17 If an executive director or administrator fails to obtain
 18 certification within one year of being employed, the executive
 19 director or administrator shall be removed from office. A
 20 ~~commissioner or other commission employee may also complete~~
 21 ~~the course of certification training.~~ The department shall
 22 issue the executive director, or administrator, ~~commissioner,~~
 23 ~~or employee~~ a certificate of training after completion of the
 24 certification training course. To maintain certification, the
 25 executive director, or administrator, ~~commissioner, or employee~~
 26 shall satisfy the continuing education requirements established
 27 by the national association of county ~~veteran~~ veterans service
 28 officers. Failure of an executive director or administrator
 29 to maintain certification shall be cause for removal from
 30 office. The expenses of training the executive director or
 31 administrator shall be paid from the appropriation authorized
 32 in section 35B.14.

33 Sec. 3. Section 35B.6, subsection 1, paragraph d, Code 2013,
 34 is amended by adding the following new subparagraph:

35 NEW SUBPARAGRAPH. (3) Complete and submit all forms

1 required for federal, state, and county benefits.

2 Sec. 4. Section 35B.6, subsection 2, Code 2013, is amended
3 to read as follows:

4 2. a. Two or more boards of supervisors may agree,
5 pursuant to chapter 28E, to share the services of an executive
6 director or administrator. The agreement shall provide for the
7 establishment of a commission of veteran affairs office in each
8 of the counties participating in the agreement.

9 b. Neither a county board of supervisors nor a county
10 commission of veterans affairs shall place the administration
11 of the duties of the county commission of veteran affairs
12 under any other agency of any county, or publish the names of
13 the veterans or their families who receive benefits under the
14 provisions of this chapter.

15 Sec. 5. Section 35B.6, subsection 3, Code 2013, is amended
16 by striking the subsection.

17 Sec. 6. Section 35B.6, subsection 4, paragraph a, Code 2013,
18 is amended to read as follows:

19 a. Each county commission of veteran affairs shall maintain
20 an office in a public building owned, operated, or leased by
21 the county.

22 Sec. 7. Section 35B.7, Code 2013, is amended to read as
23 follows:

24 **35B.7 Meetings — report — budget.**

25 The commission shall meet monthly and at other times as
26 necessary. At the monthly meeting it shall determine who are
27 entitled to county benefits and the probable amount required to
28 be expended. The commission shall meet annually to prepare an
29 estimated budget for all expenditures to be made in the next
30 fiscal year and certify the budget to the board of supervisors.
31 The board may approve or reduce the budget for valid reasons
32 shown and entered of record and the board's decision is final.

33 Sec. 8. Section 35B.10, Code 2013, is amended to read as
34 follows:

35 **35B.10 Disbursements — inspection of records.**

1 1. All claims certified by the commission shall be
2 ~~reviewed~~ approved by the board of supervisors and the county
3 auditor shall issue warrants in payment of the claims. All
4 applications, investigation reports, and case records are
5 privileged communications and ~~shall be held~~ confidential,
6 subject to use and inspection only by persons authorized by law
7 in connection with their official duties relating to financial
8 audits and the administration of this chapter or as authorized
9 by order of a district court. A person may sign a release
10 to authorize the examination of that person's applications,
11 reports, or records.

12 2. ~~However, the~~ The county commission of veteran affairs
13 shall prepare and file in the office of the county auditor on
14 or before the thirtieth day of each January, April, July, and
15 October a report showing the case numbers of all recipients
16 receiving assistance under this chapter, together with the
17 amount paid to each during the preceding quarter. Each report
18 so filed shall be ~~securely fixed in~~ maintained as a permanent
19 record ~~book~~ to be used only for such reports made under this
20 chapter.

21 ~~The record book shall be and the same is hereby declared~~
22 ~~to be a public record, open to public inspection at all times~~
23 ~~during the regular office hours of the county auditor. Each~~
24 ~~person who desires to examine said records, other than in~~
25 ~~pursuance of official duties as hereinbefore provided, shall~~
26 ~~sign a written request to examine the same, which shall contain~~
27 ~~an agreement on the part of the signer that the signer will~~
28 ~~not utilize any information gained therefrom for commercial or~~
29 ~~political purposes.~~

30 3. It shall be unlawful for any person, body, association,
31 firm, corporation or any other agency to solicit, disclose,
32 receive, make use of or to authorize, knowingly permit,
33 participate in or acquiesce in the use of any lists, names or
34 other information obtained from the reports above provided for,
35 for commercial or political purposes, and a violation of this

1 provision shall constitute a serious misdemeanor.

2 Sec. 9. Section 35B.14, Code 2013, is amended by adding the
3 following new subsections:

4 NEW SUBSECTION. 3. The commission is responsible for
5 the interment in a suitable cemetery of the body of any
6 veteran, as defined in section 35.1, or the spouse, surviving
7 spouse, or child of the person, if the person has died without
8 leaving sufficient means to defray the funeral expenses. The
9 commission may pay the expenses in a sum not exceeding an
10 amount established by the board of supervisors.

11 NEW SUBSECTION. 4. Burial expenses shall be paid by the
12 county in which the person died. If the person is a resident
13 of a different county at the time of death, the county of
14 residence shall reimburse the county where the person died for
15 the cost of burial. In either case, the board of supervisors
16 of the respective counties shall audit and pay the account from
17 the funds provided for in this chapter in the manner as other
18 claims are audited and paid.

19 Sec. 10. Section 35B.16, Code 2013, is amended to read as
20 follows:

21 **35B.16 Markers for graves.**

22 The county commission of veteran affairs may furnish a
23 suitable and appropriate ~~metal~~ marker for the grave of each
24 veteran, as defined in section 35.1, who is buried within
25 the limits of the county. The marker shall be placed at the
26 individual's grave to permanently mark and designate the grave
27 for memorial purposes. The expenses shall be paid from any
28 funds raised as provided in this chapter.

29 Sec. 11. Section 35B.17, Code 2013, is amended to read as
30 follows:

31 **35B.17 Maintenance of graves.**

32 1. The county boards of supervisors shall each year
33 appropriate and pay to the owners of, or to the public board or
34 officers having control of cemeteries within the state in which
35 any such deceased service person is buried, a sum sufficient

1 to pay for the care and maintenance of the lots on which they
 2 are buried in all cases in which provision for such care is
 3 not otherwise made, or may conclude their responsibility by
 4 paying a mutually agreed to fee for perpetual care when the
 5 cemetery authority has established a perpetual care fund for
 6 the cemetery, to be paid either as a lump sum, or in not to
 7 exceed five installments in a manner agreed to by the parties.

8 2. Payment under subsection 1 shall be made at the rate
 9 charged for like care and maintenance of other lots of
 10 similar size in the same cemetery, upon the affidavit of the
 11 superintendent or other person in charge of such cemetery, that
 12 the same has not been otherwise paid or provided for.

13 Sec. 12. Section 35B.19, Code 2013, is amended to read as
 14 follows:

15 **35B.19 Burial records.**

16 The ~~county commission of veteran affairs~~ executive director
 17 or administrator shall be charged with securing the information
 18 requested by the department of veterans affairs of every
 19 person having a military service record and buried in ~~that~~ the
 20 county. Such information shall be secured from the ~~undertaker~~
 21 funeral director in charge of the burial or cremation and
 22 shall be transmitted by the ~~undertaker~~ funeral director to
 23 the ~~commission of county~~ veteran affairs office of the county
 24 where burial or disposition of cremated remains is made. This
 25 information shall be recorded alphabetically and by description
 26 of location in the cemetery where the veteran is buried
 27 or the place of disposition of the cremated remains of the
 28 veteran. This recording shall conform to the directives of the
 29 department of veterans affairs and shall be ~~kept in~~ maintained
 30 as a book permanent record by the ~~county commission~~ executive
 31 director or administrator.

32 Sec. 13. Section 64.11, Code 2013, is amended to read as
 33 follows:

34 **64.11 Expense of bonds paid by county.**

35 If a county treasurer, county attorney, recorder, auditor,

1 sheriff, medical examiner, ~~member of the veterans affairs~~
2 ~~commission~~, member of the board of supervisors, engineer,
3 steward, or matron elects to furnish a bond with an association
4 or incorporation as surety as provided in this chapter, the
5 reasonable cost of the bond shall be paid by the county where
6 the bond is filed.

7 Sec. 14. Section 331.381, subsection 6, Code 2013, is
8 amended to read as follows:

9 6. Audit and pay the burial expense for indigent veterans,
10 as provided in section ~~35B.15~~ 35B.14, subsection 4.

11 Sec. 15. Section 331.502, subsection 13, Code 2013, is
12 amended by striking the subsection.

13 Sec. 16. Section 331.502, subsection 14, Code 2013, is
14 amended to read as follows:

15 14. ~~Issue warrants and maintain a book containing~~ Maintain
16 a permanent record of persons receiving veteran assistance as
17 provided in section 35B.10.

18 Sec. 17. REPEAL. Sections 35B.8, 35B.9, 35B.12, 35B.13,
19 35B.15, and 35B.18, Code 2013, are repealed.

20 EXPLANATION

21 This bill relates to the duties and responsibilities of the
22 county commissions of veteran affairs.

23 The bill requires that the members of a county commission of
24 veteran affairs be appointed by the board of supervisors upon
25 the recommendation of the current members of the commission
26 and the executive director or administrator. The bill removes
27 a requirement that members of the commission give a bond of
28 \$500 and makes conforming changes to Code sections 64.11 and
29 331.502.

30 The bill requires that the state department of veterans
31 affairs shall recognize the executive director or administrator
32 as a county veterans service officer of a veterans' service
33 organization recognized by the federal secretary of veterans
34 affairs for purposes of assisting veterans and their dependents
35 in obtaining federal benefits.

1 The bill requires that the annual compensation of an
 2 executive director or administrator be recommended by the
 3 county commission to the county board of supervisors which
 4 shall determine and approve the compensation. Current
 5 law requires that the county board of supervisors fix the
 6 compensation for the executive director or administrator and
 7 other necessary employees. The bill also provides that the
 8 executive director or administrator shall have the power to
 9 employ necessary staff.

10 The bill strikes language allowing a county commissioner
 11 and certain commission employees to complete a course of
 12 certification training provided by the department of veterans
 13 affairs.

14 The bill requires that the duties of the executive director,
 15 administrator, and employees shall include the submission of
 16 all forms required for federal, state, and county benefits.
 17 The bill states that the county commission of veterans affairs
 18 shall not be placed under any other agency of the county. The
 19 bill also removes language requiring a commission to appoint
 20 a deputy county auditor as an administrative assistant to
 21 the commission. The bill requires that a commission office
 22 be located in a public building. The bill also specifies
 23 that the commission shall only need to determine eligibility
 24 of individuals for county benefits at monthly meetings of
 25 the commission and repeals requirements that the commission
 26 submit certain information relating to benefits to the board
 27 of supervisors.

28 The bill removes certain recording, accounting system, and
 29 filing requirements and makes certain conforming amendments
 30 to Code section 331.502. The bill provides that certain
 31 applications, reports, and records shall be subject to use or
 32 inspection as authorized by order of a district court. The
 33 bill permits the examination of an individual's applications,
 34 reports, and records only upon the individual's authorization.
 35 The bill provides that certain filings be made to a permanent

1 record and removes the requirement that such records be
2 maintained in a book. The bill repeals Code section 35.8,
3 which required the state auditor to prepare sample accounting
4 systems and case records for use by county commissions of
5 veteran affairs.

6 The bill also makes certain changes to provisions related
7 to the provision of grave markers for veterans and the filing
8 and maintenance of certain burial records and amends language
9 referring to undertakers so that such language instead refers
10 to funeral directors.

11 The bill repeals Code section 35B.12, relating to
12 confidentiality of benefit information, but the substance
13 of the Code section is transferred to Code section 35B.6,
14 subsection 2.

15 The bill repeals Code section 35B.13, relating to burial
16 expenses, but the substance of the Code section is transferred
17 to Code section 35B.14, subsection 3.

18 The bill repeals Code section 35B.15, relating to audit
19 and payment of burial expenses, but the substance of the Code
20 section is transferred to Code section 35B.14, subsection 4.

21 The bill repeals Code section 35B.18, relating to care
22 and maintenance of gravesites, but the substance of the Code
23 section is transferred to Code section 35B.17, subsection 2.